

Temporary Irrigation Wells.

READ—

Letter No. R. O. C. 973—H. C. 302-5 of '23-24, dated the 28th December 1923, from the Director of Agriculture, proposing with the concurrence of the Revenue Commissioner in Mysore, that as a measure of relief, temporary wells may be sunk in tank beds at a little expense and used for kapile irrigation in affected areas where bili jola or other kinds of fodder may be grown, and that a sum of Rs. 1,000 may be given to each of the Deputy Commissioners of Kolar and Tumkur for this purpose.

ORDER No. 113-17—Dis. 9-23-5, DATED 5TH JANUARY 1924.

Government are pleased to accept the proposal of the Director of Agriculture and sanction a sum of Rs. 1,000 to each of the Deputy Commissioners of Kolar and Tumkur for excavating temporary irrigation wells in tank beds, the charge being met from the sum of Rs. 30,000 sanctioned in paragraph 9 of Government Order No. 49-63-D., dated the 26th December 1923, on account of advance for stocking fodder.

K. V. ANANTARAMAN,

Offg. Secretary to Government,
Revenue Department.

Purchase of Serum.

READ—

Letter No. R. O. C. 16-A. of 23-24, dated 12th December 1923, from the Director of Agriculture, requesting sanction to an additional allotment of Rs. 20,000 for the purchase of serum with a view to extend the inoculation work against rinderpest and other cattle diseases reported to be prevalent in the Kadir District.

2. Letter No. R. O. C. 15-A of 23-24, dated 26th December 1923, from the same officer, stating that on account of the movement of cattle from maidan taluks to the malnad on account of fodder scarcity, it is necessary to have an adequate supply of serum on the spot to stamp out rinderpest and to prevent the maidan cattle from carrying back the infection to their villages, and requesting that more funds may be provided for the purpose.

ORDER No. 122-4—D., DATED 5TH JANUARY 1924.

Government are pleased to sanction a sum of Rs. 5,000 for the purpose of protecting from infection the cattle from the maidan taken to malnad on account of fodder difficulty in the maidan areas.

2. The expenditure will be debited to the grant for Distress Relief Operations in the State.

K. V. ANANTARAMAN,

Offg. Secretary to Government,
Revenue Department.

LOCAL AND LEGISLATIVE SECRETARIAT**Loan for the Financing Nanjangud-Chamrajnagar Railway.**

READ—

Letter No. C. 1524—L. B., dated 25th June 1923, from the President, Mysore District Board, submitting with reference to Government Order No. L. 6971-4—B. 129-22-2, dated 9th April 1923, a draft prospectus for raising a loan for constructing the Nanjangud-Chamrajnagar Railway line.

ORDER No. L. 4998-5001—L. B. 129-20-8, DATED 3RD—4TH JANUARY 1924.

Government are pleased to permit the Mysore District Board to raise a loan of 8 lakhs of rupees on the following conditions:

- (a) The currency of the loan will be fifteen years.
- (b) The loan shall be issued at par and collected at once and not in instalments.
- (c) The loan shall bear interest at 7 per cent per annum and it will not be free from Income-tax.
- (d) The interest on the loan shall be the first charge on the Railway Cess collected in the district.

2. This permission is granted on the presumption that the capital cost of the line which is estimated at Rs. 12 lakhs includes the expenditure already incurred from State Funds, and that the District Board will from the accumulated railway cess repay to Government the amount already incurred on the line from State Funds.

3. The repayment of the loan will be guaranteed by Government, provided the District Board reserve the balance, if any, of the cess collections after meeting the interest charges and also the net earnings of the Railway for a Sinking Fund. The Government will undertake to work the line on the usual conditions if the District Board agree to the terms of guarantee now offered.

4. The President is requested to submit a revised draft prospectus for the approval of Government.

B. NAGAPPA

Secretary to Government,

Local and Legislative Departments.

Review on the Report of the Administration of Civil Justice in Mysore.

READ

The Report on the Administration of Civil Justice in Mysore for the year 1922-23, received from the Registrar, Chief Court, with his letter No. P. 36-22-3, dated 5th October 1923.

ORDER No. P/3558-67-Crsh-93-23-3, DATED 14TH JANUARY 1924.

1. Recorded.
2. A special feature of this year's report is that the Chief Court has compared the work of the Munsiffs in Madras Presidency in 1920 and Bengal and United Provinces in 1921, with the work turned out by the Munsiffs here for the year under report. They have also given statistics regarding the institutions according to population in Madras and Bengal Presidencies and United Provinces. They have shown that Mysore is not behind the British Indian Provinces in regard to the volume of litigation and the work turned out by the Munsiffs.

3. Number and Jurisdiction of Courts.—There was no change in the year under review in the number of civil courts and their jurisdiction. Ten more village courts were established during the year bringing the total to 211 courts. But it is observed that in spite of an increasing demand for these courts, only 121 courts were actually working besides the 14 courts which have not furnished information. The Deputy Commissioners of Districts are requested to investigate the matter and submit through the Revenue Commissioner their proposals for reviving these courts or abolishing them altogether.

4. Original work.—(1) Institutions, both original and small cause are about the same as last year, 15,405 and 20,966 respectively as against 15,481 and 20,626. The slight variation does not call for any remarks.

(2) Disposals.—There is an increase in the disposals which are more than the institutions and show a rise from 16,479 ordinary and 20,966 small cause in the year 1921-22 to 17,456 ordinary and 22,228 small cause during the year under review. Of these 6,389 or 36.6 per cent were disposed of after contest and show an increase of 14 per cent over the previous year. This is attributed by the Chief Court to the systematic postings and regular methods of work enjoined in their circular letter No. 256, dated 24th July 1922.

5. (3) Average duration.—There was an increase in the duration of cases both normal and abnormal and this is naturally due to a large number of disposal of old cases.

6. (4) Pendency.—As a result of increase in disposals the pendency has decreased from 19,598 in 1921-22 to 17,767 in the year under review, showing a decrease of 1,831 suits due almost solely to the distinct improvement in disposals in Munsiffs Courts during the year.

7. Execution of decrees.—Including 20,162 pending from the previous year there were for disposal 62,074 applications for execution of decrees against 58,276 in 1921-22. Of these 39,532 were disposed of leaving 22,542 pending disposal. The percentage of applications that proved wholly infructuous was the same as in the previous year, viz. 62. This is large and the work of execution requires special attention on the part of the Judges.

8. Refiled and remanded suits.—In spite of the remarks made last year, there has been a further increase in suits refiled and remanded from 1,406 to 1,500. Miscellaneous cases have gone up from 10,801 to 11,850 of which 1,140 were applications for setting aside orders of dismissal of suits and 3,039 for setting aside *ex parte* decrees. In the absence of proper explanations for the rise, this has to be attributed to an anxiety on the part of the Judges of the subordinate courts to show better results.

10. *Appeals in Subordinate Appellate Courts.*—The number of appeals filed in the District Judge's Courts was 832 against 630 which with 691 pending from the previous year gave 1,523 against 1,231 for disposal. Of these, 635 were disposed of as against 526 during the last year leaving a balance of 888 against 705 pending disposal. Though disposals have increased, they have not kept pace with the institutions. The District and Subordinate Judges of the Mysore Division (particularly the latter) were again responsible for so many as 567 of these pending appeals as against 494 in the previous year. It is time that steps are taken to remedy this state of affairs particularly in the Subordinate Judge's Court, Mysore. The average duration (322 days as against 283 in 1921-22) has considerably increased and this is attributed to the large number of disposals of old appeals.

11. *Chief Court.*—The Chief Court had before them 1,394 cases of all classes and of these they disposed of 721 the corresponding figures for last year being 1,283 and 617 respectively.

12. (a) *First Appeals.*—Including 405 appeals pending from the previous year with 443 instituted during the year there were 848 appeals for disposal. Of these 134 appeals were transferred to the District Judge, Bangalore, and 714 were retained. The Chief Court disposed of 247 against 239 in the previous year leaving 467 pending disposal. The disposal together with the cases transferred are far short of institutions. The Chief Court however state that the majority of the pending cases are recent ones, but pendency of first appeals has been steadily on the increase and has risen from 159 to 467 during the last six years.

13. (b) *Second Appeals.*—As regards second appeals there has been slight increase of 23 cases in disposals. Including 167 appeals pending at the close of the year with 127 filed during the year there were for disposal 294 against 314 in 1921-22. Of these, 170 against 147 in the previous year have been disposed of, leaving 124 pending disposal. 93 of the pending ones relate to the year under review and 31 to 1921-22.

14. (c) *Average duration.*—The average duration of all these appeals taken together has decreased from 456.12 days in 1921-22 to 431.52 in the year under report. There was, taking both classes of appeals together, a fall also in the cost of litigation by about 4 per cent.

15. *Inspections.*—It is gratifying to note that the Judges of the Chief Court, between them, inspected all the courts during the year except the Munsiff's Courts at Hassan and Hole-Narsipur. The District Judges of Mysore and Shimoga have inspected their own courts as also the courts subordinate to them. The District Judge of Bangalore inspected all the courts in his Division except the First and Second Munsiff's Courts at Bangalore and the Munsiff's Court at Maddur.

16. *General.*—To reduce congestion and high pendency in the courts, two temporary additional Munsiff's Courts were sanctioned with effect from 1st August, 1923, besides placing the Second Munsiff's Court at Tutakur on a permanent basis. Another temporary Munsiff's Court at Seringapatam has since been sanctioned with effect from 26th October 1923 to work off the arrears in that court. It is hoped that every attempt will be made to reduce congestion and ensure quicker disposals in future.

B. NAGAPPA,

Secretary to Government,

Local and Legislative Departments.

Review on the Report of the Administration of Criminal Justice in Mysore.

READ—

The Report on the Administration of Criminal Justice in Mysore for the year 1922-23, received from the Registrar, Chief Court of Mysore, with his letter No. P. 36-22-23, dated 17th November 1923.

ORDER No. P. 3569-78—C.B. 122-23-3, DATED 4TH JANUARY 1924.

1. *Recorded.*

2. *Offences reported.*—There is an appreciable decrease in the number of offences reported in the State from (21,424 in 1921-22 to 20,443) and in that returned as true (from 20,571 to 18,338) observable mainly in the districts of Bangalore, Kolar, Hassan, Shimoga and Kadur. Favourable seasonal conditions, as suggested by the District Magistrates of Bangalore and Kolar, cannot altogether be accepted as the cause for this fall in total crime, as some districts show a rise. Altogether, 40,240 persons against 44,797 in 1921-22 were brought to trial. Of these 7,876 or 19.5 per cent were convicted and 24,216 or 60.3 per cent acquitted or discharged against 17.8 per cent and 59.7 per cent respectively in the previous year. 7,908 persons were awaiting trial against 9,687 in 1921-22 showing an appreciable and satisfactory fall.

3. *Average duration.*—The average duration of cases in the Courts of Magistrates was on the increase from year to year and was remarked upon in last year's review. Government are glad to notice a substantial decrease this year to 48.1 days against 84.5 and 77.56 days in the two previous years. With the extension of the separation scheme into the other districts, it is hoped that this duration will be further reduced.

4. *Witnesses.*—Though the number of witnesses who attended the Courts of Magistrates has risen from 121,240 in 1921-22, to 122,242, yet there is a fall in the number actually examined, viz., 50,876 against 52,274 in 1921-22. The number of witnesses detained for three and four days shows a decrease but the number of those detained for two days shows a rise (4,356 against 3,896 in 1921-22).

5. *Heinous offences.*—There is a fall under "Homicide" (22 against 46 in the previous year), (including 19 cases of murder); "grievous hurt" (166 against 201); "cattle-lifting and theft" (79 and 1,246 against 106 and 1,370). This is satisfactory. There is, however, a rise under robbery and dacoity which is not accounted for.

6. *Sessions work.*—There were 142 cases for disposal against 170 last year, including the 24 cases pending from the previous year. The number disposed of was 122, leaving 20 cases involving 54 persons pending at the end of the year. Though the work is satisfactory, judged from the number of cases disposed of, the average duration is capable of considerable improvement as it has increased from 56.8 days in last year to 62.4 and from 13 to 32.4 days during the past six years.

7. *Trial by jury.*—Of the ten cases tried by jury, the judges agreed with the verdict in eight cases. The District Magistrates of Districts where trial by jury has not been introduced are requested to report whether the system may not be introduced in their districts.

8. *Appellate work of Subordinate Courts.*—In the Magistrate's Courts, there is a fall in the number of disposals as appeals of 957 persons were disposed of against 1,031 the previous year but the average duration shows a fall from 45.3 days to 38 days. In the Sessions Court, on the contrary, disposals are better, as appeals of 319 persons were disposed of as against 252 in the previous year, leaving appeals of 98 persons pending disposal, while the average duration on the other hand shows a rise from 30.3 in 1921-22 to 41.4 days in the year under review. All the three divisions, contributing towards the rise. The District Magistrates have dealt with only 17 appeals.

9. *Chief Court work.*—The number of appeals filed was 155 against 173 in the previous year. Of these more than half were transferred for disposal to the Sessions Judge, Bangalore Division. Out of 87 retained in the Chief Court, including 17 appeals pending from the previous year, 81 were disposed of leaving 6 appeals involving 14 persons pending at the end of the year. The average duration shows a rise from 50.74 days to 63.49 days which is accounted for by the disposal of certain heavy appeals.

10. *Preventive Sections.*—One hundred and one persons were ordered to furnish security against 108 persons in the previous year. Government agree with the Chief Court that subordinate judges have not yet realised the importance of making a larger use of the provisions of Section 562, Criminal Procedure Code, in spite of the observations of the Government in the previous years' reviews as only 22 persons were dealt with under the section against 35 in 1921-22. The District Magistrates are requested to specially scrutinise the calendars with a view to take suitable action in cases where the provisions of this section can be enforced. Though there was a decrease in the number of persons sentenced to short terms of imprisonment (i.e., for fifteen days and under) from 706 in 1921-22 to 585, there is yet considerable room for improvement in this direction also.

11. *Work of the Special Magistrates under the Separation Scheme.*—There were 1,217 cases pending at the beginning of the year in the Special Magistrate's Courts. 3,521 cases were instituted during the year and the number of disposals came up to 3,996, leaving a balance of 742 cases. The work turned out in the Special Magistrate's Courts is satisfactory and pendency has been considerably reduced.

12. *Work of the Bench Magistrates.*—Government are glad to record again the good work done by the Honorary Bench Magistrates who disposed of 5,849 cases as against 5,153 cases in the previous year. The work of some of the Bench Courts in the Mysore District is reported to be unsatisfactory. The District Magistrate of Mysore is requested to bestow special attention on such courts and propose changes in the personnel whenever necessary.

13. *Inspection.*—Inspection work by the District Magistrates of all the districts, except Hassan is satisfactory. The puisne Judges of the Chief Court inspected five District Magistrate's and seven First Class Magistrate's Courts.

B. NAGAPPA,

Secretary to Government,
Local and Legislative Departments.